



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/696,376 10/25/00 MILLER

D 13240 (A)

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WM01/1019

EXAMINER

HUBER, P

ART UNIT

PAPER NUMBER

2651

DATE MAILED:

10/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/696,376

Applicant
Miller

Examiner
Paul W. Huber

Art Unit
2651



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 16, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by the publication of K. Cochrane, "Automated CD-R Recording, Duplication or Replication?."

K. Cochrane discloses a CopyPro 5000 unit on page 5 of the publication which teaches a system for the duplication of data onto compact disks. The system comprises: a copy unit, comprising: at least one set of multiple stacked recordable disk drives; a pivotal transport tower; a set of disk retainer members, arranged in a symmetrical circular pattern around the pivotal transport tower, wherein the disk retainer members maintain the order and placement of a stack of compact disks during the copy operations, as claimed; and an arm, connected to the pivotal transport tower, the arm having a disk engagement and lift mechanism that cooperates with the pivotal transport tower to engage, lift and pivot a top disk located at the top of a stack held in place by one disk retainer member to any stacked recordable disk driver member, and vice versa, as claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication of K. Cochrane, "Automated CD-R Recording, Duplication or Replication?" considered with Lee et al (USP-5,914,918) .

K. Cochrane discloses a MTC Trans/corder unit on page 2 of the publication which teaches a system for the duplication of data onto compact disks. The system comprises: a copy unit, comprising: a recordable disk drive; a pivotal transport tower; a set of disk retainer members, arranged in a symmetrical circular pattern around the pivotal transport tower, wherein the disk retainer members maintain the order and placement of a stack of compact disks during the copy operations, as claimed; and an arm, connected to the pivotal transport tower, the arm having a disk engagement and lift mechanism that cooperates with the pivotal transport tower to engage, lift and pivot a top disk located at the top of a stack held in place by one disk retainer member to any recordable disk drive, and vice versa, as claimed. The MTC Trans/corder unit fails to teach that the copy unit includes at least one set of multiple stacked recordable disk drives, and instead only appears to teach a single recordable disk drive. Lee et al., however, discloses a copy unit which includes at least one set of multiple stacked recordable disk drives 50, in the same field of endeavor, for the purpose of enabling a plurality of disks to be recorded simultaneously thereby increasing the copy production of the unit.

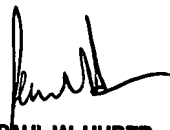
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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the MTC Trans/corder such that the copy unit includes at least one set of multiple stacked recordable disk drives as claimed and as taught by Lee et al. A practitioner in the art would have been motivated to do this for the purpose of enabling a plurality of disks to be recorded simultaneously thereby increasing the copy production of the unit.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dennis and Hollerich each disclose copy units.

Any inquiry concerning this communication should be directed to Paul W. Huber at telephone number (703) 308-1549.

pwh
October 11, 2001



PAUL W. HUBER
PRIMARY EXAMINER